



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency: Department of Labor and Industries**

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-07-156 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information:**Arsenic**

The department is proposing to rewrite and clarify requirements relating to arsenic. The department is proposing arsenic as a new chapter for all other industries, chapter 296-848 WAC. This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is eliminating unnecessary requirements and outdated terminology.

Hearing location(s):

Department of Labor and Industries
Auditorium
7273 Linderson Way SW
Tumwater, WA 98501

Date: October 11, 2004 Time: 1:30 p.m.

Submit written comments to:

Name: Jamie Scibelli
Address: PO Box 44620
Olympia, WA 98504-4620
E-mail: Scij235@lni.wa.gov
Fax: (360) 902-4568 by October 18, 2004.

Assistance for persons with disabilities:

Contact Sally Elliott by September 16, 2004
Yous235@lni.wa.gov or (360) 902-5484

Date of intended adoption: December 1, 2004
(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place all arsenic requirements (WAC 296-62-07347) into one chapter (chapter 296-848 WAC, Arsenic). There are no anticipated effects. See Attachment A.

Reasons supporting proposal: See Attachment A

Statutory authority for adoption: RCW 49.17.010, 49.17.040,
49.17.050, 49.17.060

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

CODE REVISER USE ONLY**WSR#04-18-077****DATE****August 31, 2004****NAME (type or print)****Paul Trause****SIGNATURE****TITLE****Director**

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: Department of Labor and Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tracy Spencer	Tumwater	(360) 902-5530
Implementation....Michael Silverstein	Tumwater	(360) 902-5495
Enforcement..... Michael Silverstein	Tumwater	(360) 902-5495

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

This rule does not impose more than a minor cost on business. Therefore, as stated in RCW 19.85.030 (1)(a), a small business economic impact statement is not required. An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

There are no costs to assess within these rule amendments.

The purpose of this rulemaking is to make this rule easy to read, understand and more usable for employers. This proposal will place all arsenic requirements (WAC 296-62-07347) into one chapter (chapter 296-848 WAC, Arsenic). This rulemaking is part of an initiative by the department to revise all safety and health rules.

NEW SECTIONS:

WAC 296-848-100, Scope

WAC 296-848-200, Basic Rules

WAC 296-848-20010, Preventive practices

WAC 296-848-20025, Washing facilities

WAC 296-848-20060, Exposure evaluations

WAC 296-848-20070, Notification

WAC 296-848-20090, Exposure records

WAC 296-848-300, Training, Exposure Monitoring, and Medical Monitoring

WAC 296-848-30005, Training

WAC 296-848-30010, Periodic exposure evaluations

WAC 296-848-30030, Medical evaluations

WAC 296-848-30080, Medical records

WAC 296-848-400, Exposure Control Areas

WAC 296-848-40005, Exposure control plan

WAC 296-848-40020, Exposure controls

WAC 296-848-40025, Exposure control areas

WAC 296-848-40030, Clean-up facilities and lunchrooms